

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT JUNEAU**

COREEN RENEE NOBLE and ROBERT NOBLE,
Plaintiffs,
vs.
UNITED STATES OF AMERICA,
Defendant.

Case No. 1:07-cv-00004-JWS

FIRST AMENDED COMPLAINT

(Dated September 6, 2013)

Plaintiffs, COREEN RENEE NOBLE and ROBERT NOBLE, though counsel the Choate Law Firm LLC hereby amend their Complaint for causes of action against the Defendant, UNITED STATES OF AMERICA, on behalf of the Department of Health & Human Services, Indian Health Services, Southeast Alaska Regional Health Consortium, and allege:

JURISDICTION

1. With respect to all claims, this Court has subject matter jurisdiction pursuant to 25 U.S.C. § 450f(d). The amount in controversy is in excess of \$75,000.00 exclusive or interest and costs.

2. At all times relevant herein, Plaintiffs COREEN RENEE NOBLE and ROBERT NOBLE are residents of Salem, Oregon.

3. SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM, (herein after "SEARHC") was and is a non-profit Alaska Native tribal health care organization established in 1975 under the provisions of the Indian Self-Determination Act. SEARCH is engaged in the business of operating health care clinics and hospitals for providing medical care and treatment

FIRST AMENDED COMPLAINT
Noble, Coreen v. USA (1:07-cv-00004-JWS) [22883].
1:07-cv-00004-JWS
Page 1 of 4

1 to American Indians and Alaska Natives throughout Alaska, and including COREEN RENEE
2 NOBLE.

3 4. SEARHC and the ALASKA NATIVE MEDICAL CENTER were, at all times
4 relevant, carrying out a contract under P.L. 93-638.

5 5. All jurisdictional prerequisites to bringing this action have been satisfied in
6 accordance with the Federal Tort Claims Act §2675(a). On January 13, 2006, Plaintiffs filed
7 Standard Form 95, Claim for Damage, Injury, or Death with the United States Department of
8 Health & Human Services, Indian Health Services and the Indian Health Service Claims
9 Branch. This claim was denied via certified mail on August 29, 2006. Plaintiffs' original
10 complaint was filed less than 6 months after said denial.

11 **FIRST CAUSE OF ACTION**

12 **(Medical Negligence)**

13 6. Plaintiffs re-allege and incorporate by reference, each and every allegation set
14 forth in paragraphs 1-5 above.

15 7. In the months and years preceding February 2004, Plaintiff COREEN RENEE
16 NOBLE was a patient of SEARHC, its employees, agents and doctors.

17 8. From and after May 2004 through April 5, 2005, Plaintiff COREEN RENEE
18 NOBLE continued under the care of SEARCH, its employees, agents and doctor relative to a
19 serious condition limited to her left eye.

20 9. From approximately May 2004 through April 5, 2005, despite the presence of
21 overwhelming symptoms and circumstances, SEARCH and its employees, agents and doctors
22 failed to provide proper treatment, coordinated care and/or referral for treatment of COREEN
23 RENEE NOBLE's left eye complaints leading to her left eye being surgically removed on April
24 5, 2005.

Case 1:07-cv-00004-JWS Document 111 Filed 09/06/13 Page 3 of 4

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

/s/ Mark Choate

MARK CHOATE # 8011070
424 N. Franklin Street
Juneau, AK 99801
Tel: (907) 586-4490
Fax: (888) 866-4917
Email: lawyers@choatelawfirm.com
Attorneys for Plaintiff

Certificate of Service

I hereby certify this was served electronically
on counsel of record this 6th day of September, 2013:

Gary M. Guarino Attorneys For: USA/SEARHC
Susan Lundquist
Assistant U.S. Attorney
222 West Seventh Avenue, #9
Anchorage, AK 99513-7567
Phone: (907) 271-4264
Fax: (907) 271-2344

/s/ Mark Choate

Choate Law Firm LLC